



# Bail Act 1976

## 1976 CHAPTER 63

### *Supplementary*

#### **6 Offence of absconding by person released on bail.**

- (1) If a person who has been released on bail in criminal proceedings fails without reasonable cause to surrender to custody he shall be guilty of an offence.
- (2) If a person who—
  - (a) has been released on bail in criminal proceedings, and
  - (b) having reasonable cause therefor, has failed to surrender to custody,fails to surrender to custody at the appointed place as soon after the appointed time as is reasonably practicable he shall be guilty of an offence.
- (3) It shall be for the accused to prove that he had reasonable cause for his failure to surrender to custody.
- (4) A failure to give to a person granted bail in criminal proceedings a copy of the record of the decision shall not constitute a reasonable cause for that person's failure to surrender to custody.
- (5) An offence under subsection (1) or (2) above shall be punishable either on summary conviction or as if it were a criminal contempt of court.
- (6) Where a magistrates' court convicts a person of an offence under subsection (1) or (2) above the court may, if it thinks—
  - (a) that the circumstances of the offence are such that greater punishment should be inflicted for that offence than the court has power to inflict, or
  - (b) in a case where it [<sup>F1</sup>commits][<sup>F1</sup>sends] that person for trial to the Crown Court for another offence, that it would be appropriate for him to be dealt with for the offence under subsection (1) or (2) above by the court before which he is tried for the other offence,commit him in custody or on bail to the Crown Court for sentence.

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*Status: Point in time view as at 31/10/2009. This version of this provision has been superseded.*

*Changes to legislation: Bail Act 1976, Section 6 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (7) A person who is convicted summarily of an offence under subsection (1) or (2) above and is not committed to the Crown Court for sentence shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding [F<sup>2</sup>level 5 on the standard scale] or to both and a person who is so committed for sentence or is dealt with as for such a contempt shall be liable to imprisonment for a term not exceeding 12 months or to a fine or to both.
- (8) In any proceedings for an offence under subsection (1) or (2) above a document purporting to be a copy of the part of the prescribed record which relates to the time and place appointed for the person specified in the record to surrender to custody and to be duly certified to be a true copy of that part of the record shall be evidence of the time and place appointed for that person to surrender to custody.
- (9) For the purposes of subsection (8) above—
- (a) “the prescribed record” means the record of the decision of the court, officer or constable made in pursuance of section 5(1) of this Act;
  - (b) the copy of the prescribed record is duly certified if it is certified by the appropriate officer of the court or, as the case may be, by the constable who took the decision or a constable designated for the purpose by the officer in charge of the police station from which the person to whom the record relates was released;
  - (c) “the appropriate officer” of the court is—
    - (i) in the case of a magistrates’ court, the [F<sup>3</sup>designated officer for the court];
    - (ii) in the case of the Crown Court, such officer as may be designated for the purpose in accordance with arrangements made by the Lord Chancellor;
    - (iii) in the case of the High Court, such officer as may be designated for the purpose in accordance with arrangements made by the Lord Chancellor;
    - (iv) in the case of the Court of Appeal, the registrar of criminal appeals or such other officer as may be authorised by him to act for the purpose;
    - (v) in the case of the [F<sup>4</sup>Court Martial Appeal Court], the registrar or such other officer as may be authorised by him to act for the purpose.
- [F<sup>5</sup>(10) Section 127 of the Magistrates' Courts Act 1980 shall not apply in relation to an offence under subsection (1) or (2) above.
- (11) Where a person has been released on bail in criminal proceedings and that bail was granted by a constable, a magistrates' court shall not try that person for an offence under subsection (1) or (2) above in relation to that bail (the “relevant offence”) unless either or both of subsections (12) and (13) below applies.
- (12) This subsection applies if an information is laid for the relevant offence within 6 months from the time of the commission of the relevant offence.
- (13) This subsection applies if an information is laid for the relevant offence no later than 3 months from the time of the occurrence of the first of the events mentioned in subsection (14) below to occur after the commission of the relevant offence.
- (14) Those events are—
- (a) the person surrenders to custody at the appointed place;

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- (b) the person is arrested, or attends at a police station, in connection with the relevant offence or the offence for which he was granted bail;
- (c) the person appears or is brought before a court in connection with the relevant offence or the offence for which he was granted bail.]

#### Extent Information

**E1** For extent of s. 6 see s. 13(3)

#### Textual Amendments

- F1** Word in s. 6(6)(b) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 48\(4\)](#); [S.I. 2005/1267, art. 2\(1\)\(2\)\(a\), Sch. Pt. 1](#); [S.I. 2012/1320, art. 4\(1\)\(c\)\(2\)\(3\)](#) (with art. 5) (see [S.I. 2012/2574, arts. 2\(1\)\(c\)\(2\)\(3\), 4\(2\), Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) and [S.I. 2013/1103, art. 4](#))
- F2** Words substituted: (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#); (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#); and (N.I.) by virtue of [S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)
- F3** Words in s. 6(9)(c)(i) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 184](#); [S.I. 2005/910, art. 3\(y\)](#)
- F4** Words in s. 6(9)(c)(v) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 75](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- F5** S. 6(10)-(14) inserted (E.W.) (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\), ss. 15\(3\), 336\(3\)\(4\)](#) (with s. 141); [S.I. 2004/829, art. 2\(1\)\(2\)\(b\)](#)

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